



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY AUGUST 26, 2010**

Invocation: Minister Roger McCown, Brentwood Oaks Church of Christ

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 26, 2010 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the minutes of the Austin City Council budget work session of August 18, 2010 and regular meeting of August 19, 2010.
The minutes from the Council budget work session of August 18, 2010 and the regular Council meeting of August 19, 2010 were approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 2 through 5 were pulled to be heard after the related zoning item.

6. Authorize execution of an Interlocal contract with Hays County for Election Services. Funding is contingent upon approval of appropriations for the Fiscal Year 2010-2011.
The motion authorizing the execution of an interlocal contract with Hays County was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
7. Authorize negotiation and execution of job order contracts with KELLOGG BROWN & ROOT, LLC (KBR), ALPHA BUILDING CORPORATION, and PRISM DEVELOPMENT, INC. (MBE/MH) for the 2010 Job Order Contract Program for City of Austin Facilities Improvements for one year with an option to renew for an additional one year period. Funding is available from Capital Budgets and/or Operating and Maintenance Budgets of Sponsoring Departments. Best Value to the City of Austin of 11 proposals received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 13.70% MBE and 13.80% WBE subcontractor participation.
The motion authorizing the negotiation and execution of job order contracts with Kellogg Brown & Root, LLC, Alpha Building Corporation and Prism Development, Inc. was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 8 and 9 were pulled for discussion.

10. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING, INC, (MBE 45.03%), AUSTIN, TX for Riverside Drive Bridges Over Country Club Creek in the amount of \$540,291.40 plus a \$27,014.57 contingency for a total contract amount not to exceed \$567,305.97. Funding in the amount of \$416,019.97 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$151,286 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of 6 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 19.64% MBE and 33.40% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Muniz Concrete & Contracting, Inc. was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
11. Authorize execution of a construction contract with TRCU, LTD., Houston, TX for the South IH-35 Water and Wastewater Infrastructure Improvements Program Segment 10 - Bradshaw Road south of Plantation Drive, 42-Inch Water Main project in the amount of \$1,478,629.95 plus \$73,931.50 contingency, for a total contract amount not to exceed \$1,552,561.45. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of 8 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 5.42% MBE and 2.41% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with TRCU, Ltd. was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
12. Authorize execution of Change Order #8 to the construction contract with BARECKY CONSTRUCTION COMPANY, Wimberley, TX for the Dittmar Gym Enclosure project in the amount of \$62,827.42 for a total contract amount not to exceed \$1,737,161.42. Funding in the amount of \$62,827.42 is available in the Fiscal Year 2009-2010 Capital Budget of the Parks and Recreation Department. This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 17.88% MBE and 4.92% WBE subcontractor participation to date including this change order.
The motion authorizing the execution of change order number eight to the construction contract with Barecky Construction Company was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
13. Authorize execution of a construction contract with MONTOYA ANDERSON CONSTRUCTION dba MAC, INC., Austin, TX for the Tortuga Trail Retaining Wall project in an amount not to exceed \$200,680. Funding in the amount of \$200,680 is available in the Fiscal Year 2009-2010 Operating Budget of the Public Works Department. Lowest bid of 4 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 7.53% MBE and 2.76% WBE subcontractor participation.
The motion authorizing the execution of a construction contract with Montoya Anderson Construction doing business as MAC, Inc. was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
14. Approve an ordinance vacating a 308 square foot portion of the right of way at the southwest corner of Newton and West Annie Streets at 1800 Newton Street to DAVID TEMPLIN and AMANDA JOHNSON. Recommended by the Urban Transportation Commission and the Planning Commission.
Ordinance No. 20100826-014 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

15. Approve a resolution authorizing the filing of eminent domain proceedings for the Tillery Street Storm Drain Outfall Stabilization Project to acquire a 5,968 sq. ft. permanent slope easement, and temporary access easements of 10,564 sq. ft., 12,904 sq. ft., and a 14,932 sq. ft., in the amount of \$102,569. The owner of the property sought to be condemned is AUSPRO ENTERPRISES, L.P. The property is located at 3107 and 3109 East Cesar Chavez Street, Austin, Travis County, TX. Funding in the amount of \$102,569 is included in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.

Resolution No. 20100826-015 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

16. Approve a resolution nominating Samsung Austin Semiconductor, LLC for designation by the Governor's Office of Economic Development and Tourism as a "Triple Jumbo" Enterprise Project in accordance with Texas Government Code Chapter 2303 (Texas Enterprise Zone Act). The qualifying project consists of an expansion at the business site located at 12100 Samsung Boulevard, Austin, Texas. There is no unanticipated fiscal impact. A fiscal note is not required.

Resolution No. 20100826-016 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 17 was pulled to be heard after the related Executive Session item.

18. Approve issuance by Senna Hills Municipal Utility District Unlimited Tax and Waterworks and Sewer Revenue Refunding Bonds, Series 2010, in a principal amount not to exceed \$6,295,000; approving a substantial draft of the District's Bond Resolution and Preliminary Official Statement. The City is not responsible for payment of District bond debt service until dissolution of the District. Once the dissolution of the District takes place, the avoided debt service associated with the refunding would also benefit the City of Austin. There is no anticipated fiscal impact. A fiscal note is not required.

The motion to approve the issuance by Senna Hills Municipal Utility District Unlimited Tax and Waterworks and Sewer Revenue Refunding Bonds, Series 2010 in a principal amount not to exceed \$6,295,000 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

19. Authorize negotiation and execution of an amendment to a professional services agreement with Greenberg Traurig, LLP for legal services regarding a contract for the provision of recycling services, for an additional amount not to exceed \$32,500, for a total contract amount of \$95,000. Funding in the amount of \$32,500 is available in the Fiscal Year 2009-2010 Operating Budget of the Solid Waste Services Department.

The motion authorizing the negotiation and execution of an amendment to a professional services agreement with Greenberg Traurig, LLP was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

20. Approve an ordinance amending Ordinance No. 20080110-096 to correct the address chart for the Dawson Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process.

Ordinance No. 20100826-020 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Items 21 through 26 were pulled to be heard after the related zoning item.

27. Approve an ordinance to amend the Fiscal Year 2009-2010 Austin Police Department Special Revenue Fund of Ordinance No. 20090914-002 to accept \$51,496 from the State of Texas, Governor's Office, Criminal Justice Division and appropriate \$51,496 for the APD Central Records Project. Funding is

available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2010 to June 30, 2011. A match is not required. Related to Item #29.

Ordinance No. 20100826-027 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

28. Approve an ordinance amending Title 4 (Business Regulations and Permit Requirements) of the City Code to add Chapter 4-7 relating to metal recyclers; and providing for criminal and civil penalties. July 15, 2010 - Approved recommendation by the Solid Waste Advisory Commission.
Ordinance No. 20100826-028 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
29. Approve a resolution authorizing the application for and acceptance of \$51,496 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division for the APD Central Records Project. Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period September 1, 2010 to June 30, 2011. A match is not required. Related to Item #27.
Resolution No. 20100826-029 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
30. Authorize award and execution of a 36-month requirements service contract with ACLARA SOFTWARE INCORPORATED, Wellesley, MA, for online energy audit services in an estimated amount not to exceed \$339,300, with two 12-month extension options in an estimated amount not to exceed \$118,755 per extension option, for a total estimated contract amount not to exceed \$576,810. Funding in the amount of \$9,425 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 35 months of the original contract and the extensions is contingent upon funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a requirements service contract with ACLARA Software Incorporated was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
31. Authorize award and execution of a contract with DIW ENGINEERING AND FABRICATION, LLC, Dewey, OK, for the purchase of three cable reel trailers in an amount not to exceed \$138,600. Funding is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bid meeting specifications of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the award and execution of a contract with DIW Engineering and Fabrication, LLC was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
32. Authorize award and execution of a 36-month requirements supply contract with POWER SUPPLY INC., Austin, TX for the purchase of distribution capacitors for Austin Energy in an estimated amount not to exceed \$174,636, with three 12-month extension options in an estimated amount not to exceed \$58,212 per extension option, for a total estimated contract amount not to exceed \$349,272. Funding in the amount of \$58,212 is contingent upon the approval of the Fiscal Year 2010-2011 Proposed Operating Budget of Austin Energy. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business

Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of a requirements supply contract with Power Supply Inc., was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

33. Authorize award, negotiation, and execution of two 48-month requirements service contracts for a utility rate study to determine the cost of service for Austin Energy with R.W. BECK, INC., Austin, TX in an estimated amount not to exceed \$2,000,000 and J. STOWE & CO., LLC, Austin, TX in an estimated amount not to exceed \$1,000,000, for a total estimated combined contract amount not to exceed of \$3,000,000. Funding in the amount of \$250,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining 46 months of the original contract period is contingent upon available funding in future budgets. Best evaluated proposals of nine proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. However, RW Beck has identified 24.24% WBE subcontracting participation for Component B. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of two requirements service contracts with R.W. Beck, Inc. and J. Stowe & Co., LLC was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

34. Authorize award and execution of a contract with SOUTHWEST SOLUTIONS GROUP, Round Rock, TX, to provide and install evidence storage units at the Austin Police Department Evidence Warehouse in an amount not to exceed \$194,057.88. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Police Department. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of a contract with Southwest Solutions Group was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.**

35. Authorize award and execution of two contracts with AUSTIN TRUCK & EQUIPMENT INC LTD, d.b.a. FREIGHTLINER OF AUSTIN, Austin, TX, for the purchase of one service truck in an amount not to exceed \$118,604, and with LONGHORN INTERNATIONAL TRUCKS LTD, Austin, TX, for the purchase of four service trucks in an amount not to exceed \$467,486. Funding in the amount of \$586,090 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Lowest bids meeting specifications of six bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award and execution of two contracts with Austin Truck & Equipment Inc. LTD doing business as Freightliner of Austin and Longhorn International Trucks LTD was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

36. Authorize award and execution of a 12-month professional services contract with MORNINGSIDE RESEARCH & CONSULTING, INC., Austin, TX for evaluation services of the Safe Routes to School program in an estimated amount not to exceed \$129,000. Funding is available in the Fiscal Year 2009 Special Revenue Fund through the Texas Department of Transportation, Austin Safe Routes to School Non-Infrastructure Grant. Professional Services. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement

Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a professional services contract with Morningside Research & Consulting, Inc. was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

37. Authorize award, negotiation, and execution of a 24-month requirements service contract with SHERRY MATTHEWS ADVOCACY MARKETING, Austin, TX for social marketing and media services in an estimated amount not to exceed \$2,842,594. Funding in the amount \$2,067,594 is available in the Fiscal Year 2010 Special Revenue Fund through the Centers for Disease Control (CDC), American Recovery and Reinvestment Act (ARRA), Tobacco Prevention and Control Grant. Funding in the amount of \$275,000 is available in the Fiscal Year 2009 Special Revenue Fund through the Texas Department of Transportation, Austin Safe Routes to School Non-Infrastructure Grant. Additional funding sources would be provided by additional grants and would not be allocated until a need to expend funds was provided. It is anticipated these services will be required by future grants. No City of Austin funds are anticipated to be spent on this contract. Best evaluated proposal of five proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Reviewed by the Minority-Owned and Women-Owned Business Enterprise and Small Business Council Subcommittee. Recommended by the Public Health and Human Services Subcommittee.

The motion authorizing the award, negotiation and execution of a requirements service contract with Sherry Matthews Advocacy Marketing was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

38. Authorize award and execution of a 36-month service contract with ALLIANCE WORK PARTNERS, Austin, TX, to provide an employee assistance program in an amount not to exceed \$740,046, with two 12-month extension options in an amount not to exceed \$259,016 for the first extension option and \$271,967 for the second extension option, for a total contract amount not to exceed \$1,271,029. Funding in the amount of \$185,011 is contingent upon the approval of the proposed Fiscal Year 2010-2011 Operating Budget of the Employees Benefits Fund of the Human Resources Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated proposal of two proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a service contract with Alliance Work Partners was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

39. Authorize negotiation and execution of an Interlocal Agreement in the amount of \$15,000 with the Capital Area Council of Governments (CAPCOG) to hire and fund temporary staff for the purpose of performing regional solid waste data collection and analysis to support the City's Solid Waste Master Plan and CAPCOG's Regional Solid Waste Management Plan. Funding in the amount of \$15,000 will be contingent upon the approval of the SWS Fiscal Year 2010-2011 Budget. Recommended by the Solid Waste Advisory Commission.

The motion authorizing the negotiation and execution of an interlocal agreement with the Capital Area Council of Government (CAPCOG) was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 40 was pulled to be heard after the related zoning item.

41. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members. The following appointments were approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Board/Nominee**Nominated by****Downtown Commission**

Mandy Dealey
(representative – Planning Commission)

Mayor Leffingwell

Mexican American Cultural Center Advisory Board

Marisa Limon

Council Member Shade

42. Approve the waiver of certain banner fees for the 23rd annual Austin Gay & Lesbian International Film Festival (AGLIFF) that will be held September 7-12, 2010 at the Alamo Drafthouse Cinema located on 1120 South Lamar Blvd. (Council Member Randi Shade and Council Member Sheryl Cole and Council Member Laura Morrison)
The motion to approve the waiver of certain banner fees for the 23rd annual Austin Gay & Lesbian International Film Festival (AGLIFF) was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 43 was pulled to be heard after the related Executive Session item.

44. Approve a resolution requesting that the City Manager make recommendations for Code changes related to the license agreement process. (Council Member Sheryl Cole, Mayor Pro Tem Mike Martinez and Council Member Chris Riley)
Resolution No. 20100826-044 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
45. Approve a resolution directing the City Manager to process an amendment to the North Burnet Gateway Regulation Plan to allow legal non-conforming uses to continue within a site rather than on a suite-by-suite basis in the Neighborhood Residential Subdistrict and to establish a plan to reinstate the City's standard nonconforming use regulations after a set period of time. (Council Member Sheryl Cole, Council Member William Spelman and Council Member Laura Morrison)
Resolution No. 20100826-045 was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
46. Approve the waiver of certain fees and requirements under Chapter 14-8 of the City Code, and authorize payment of certain costs for the City co-sponsored 2010 Fiesta de Independencia Celebration, sponsored by the Fiesta de Independencia Foundation, to be held on September 15, 2010 at the Emma Barrientos Mexican American Cultural Center. (Mayor Pro Tem Mike Martinez, Council Member Sheryl Cole and Mayor Lee Leffingwell)
The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2010 Fiesta de Independencia Celebration was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
47. Approve the waiver of certain fees and requirements and reimbursement of certain costs for the 23rd annual AIDS Walk Austin event that will be held October 17, 2010 beginning and ending at Austin City Hall Plaza on 301 West Cesar Chavez St. (Council Member Laura Morrison, Council Member Randi Shade and Council Member Chris Riley)

The motion to approve the waiver of certain fees and requirements and reimbursement of certain costs for the 23rd annual AIDS Walk Austin event was approved on consent on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

48. Set a public hearing to consider an amendment to Chapter 25-2 of the City Code to amend the dwelling unit occupancy limit for the duplex and two-family residential uses and secondary apartment special use (C2O-2010-011). (Suggested date and time: September 23, 2010 at 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX). Recommended by the Planning Commission.
The public hearing was set on consent for September 23, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.
49. Set a public hearing to consider an amendment to Chapter 25-2 to add solar panels and related equipment as exceptions to zoning height regulations (C2O-2010-001). (Suggested date and time: September 23, 2010 at 4:00 p.m., Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for September 23, 2010 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 50 was a briefing item set for 10:30 a.m.

Items 51 through 54 were Executive Session items.

Items 55 through 58 were bond sale items set for 2:00 p.m.

Items 59 through 82 were zoning items set for 2:00 p.m.

Items 83 through 90 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

Items 8 and 9 were acted on in a combined motion.

8. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, L.L.C., Leander, Texas for Lake Creek Lift Station Improvements in the amount of \$309,000 plus a \$30,900 contingency, for a total amount not to exceed \$339,900. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of 3 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievement of Good Faith Efforts with 4.5% MBE and 0.9% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.
The motion authorizing the execution of a construction contract with Excel Construction Services, L.L.C. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0.
9. Authorize execution of a construction contract with PEPPER-LAWSON, L.P., Katy, TX for the S IH-35 Water and Wastewater Infrastructure Improvements Program - Pilot Knob Pump Station in the amount of \$6,890,000 plus a \$689,000 contingency for a total amount not to exceed \$7,579,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of 8 bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through achievements of Good Faith Efforts with 20.36 % MBE and 1.94 % WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Pepper Lawson, L.P. was approved on Council Member Cole's motion, Council Member Spelman's second on a 7-0.

BRIEFING

50. Capital Area Council of Governments update to Council
The presentation was made by Betty Voights, Capital Area Council of Government (CAPCOG).

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:17 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item number 17 on the regular agenda during Executive Session.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:09 p.m.

CITIZEN COMMUNICATION: GENERAL

Gus Peña - 1. Do not cut any funding for social service agencies 2. Do not postpone any police cadet academy classes. 3 Please continue to fully fund all youth summer job programs and senior citizen programs. 4. Property taxes go up and property values go down. Not good. 5. The City needs to improve communication with the community. Return tax payers phone calls not just your favorite peoples phone calls. Do not play favorites. You just might not be re elected. 6. Allow community leaders (citizens) to speak to the cadets at the APD Academy. The cadets will learn from the community. 7. Support our military show your appreciation and thank them for their service to our country's freedom, safety.

Christopher Ringstaff - Dying heritage oak He was not present when his name was called.

Rae Nadler-Olenick - Water flouridation

Kathleen Stansbury - Water treatment tunnel Lake Travis She was not present when her name was called.

Leila Abi-rached - Save Austin money and give good idea. Let people do what they want with their money She was not present when her name was called.

Pat Valls-Trelles - August 31 film "Shelter"

Ken Vasseau - All I know is what I read in the newspaper

Ronnie Reefersseed - Peace, freedom and fluoride

Paul Robbins - City issues

Nailah Sankofa - Arts She was not present when her name was called.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:30 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced that Council would discuss item number 17 on the regular agenda during Executive Session.

51. Discuss legal issues relating to a proposed electric franchise agreement with the City of West Lake Hills (Private Consultation with Attorney - Section 551.071).
52. Discuss legal issues relating to development regulations applicable to development of Mission Bethany Subdivision, site of Bethany Lutheran Church, at the intersection of Slaughter Lane and Wolftrap Drive. (This concerns property located in the Barton Springs Zone) (Private Consultation with Attorney - Section 551.071).
54. Discuss legal issues related to the Restated Acquisition, Development and Loan Agreement (tri-party agreement) between the City of Austin, Urban Renewal Agency of the City of Austin and Austin Revitalization Authority (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:51 p.m.

Discussion and Possible Action on Bond Sales

Items 55 through 58 were acted on in a combined motion.

55. Approve an ordinance authorizing the issuance of \$22,300,000 City of Austin, Certificates of Obligation, Series 2010, and all related documents. \$1,839,556 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed Certificate of Obligation sale is included in the 2010-2011 Proposed Operating Budget of the General Obligation Debt Service Fund.
Ordinance No. 20100826-055 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.
56. Approve an ordinance authorizing the issuance of \$16,450,000 City of Austin Public Property Finance Contractual Obligations, Series 2010, and all related documents. \$1,413,667 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed contractual obligation sale is included in the 2010-2011 Proposed Operating Budget of the General Obligation Debt Service Fund.
Ordinance No. 20100826-056 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.
57. Approve an ordinance authorizing the issuance of \$26,400,000 City of Austin Public Improvement Bonds, Taxable Series 2010B, and all related documents. \$2,363,333 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2010-2011 Proposed Operating Budget of the General Obligation Debt Service Fund.

Ordinance No. 20100826-057 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.

58. Approve an ordinance authorizing the issuance of \$79,528,000 City of Austin, Texas, Public Improvement Bonds, Series 2010A, and all related documents. \$14,648,785 in the first year debt service requirement and \$400 estimated annual administration fee for the paying agent/registrar for the proposed bond sale is included in the 2010-2011 Proposed Operating Budget of the General Obligation Debt Service Fund.

Ordinance No. 20100826-058 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 3:00 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 3:02 p.m.

DISCUSSION ITEMS CONTINUED

17. Authorize negotiation and execution of a design agreement with Jim Isermann, of Palm Springs, CA, (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP044, for design of the Seaholm Substation Wall Art in Public Places project in an amount not to exceed \$144,000. Funding in the amount of \$144,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy and was approved by City Council for this project on February 25, 2010. The most qualified artist-led team out of twenty-four (24) teams evaluated through the City's Art in Public Places qualification-based selection process. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program for Professional Services) by meeting the goals of: 7.45% MBE and 3.26% WBE subconsultant participation. Recommended by the Arts in Public Places, the Arts Commission and the Downtown Commission. There was a motion made by Council Member Riley and seconded by Mayor Pro Tem Martinez to authorize negotiation and execution of a design agreement with Nader Tehrani under the following terms:

- the design agreement should require that the design team consider including, to the extent possible, green elements both from a vegetative and environmentally conscious perspective as well as adherence to the design urban guidelines for Austin.
- the design agreement should include a process for gathering input from stakeholders and review of the project by relevant boards and commissions.

There was a substitute motion to authorize the negotiation and execution of a design agreement with Jim Isermann with the same amendments as shown above that was made by Council Member Morrison and seconded by Council Member Cole. This motion failed on a vote of 3-4. Those voting aye were: Council Members Cole, Morrison and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Members Riley and Shade.

The main motion to authorize negotiation and execution of a design agreement with Nader Tehrani under the terms listed above was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Morrison voted nay.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 3:21 p.m.

EXECUTIVE SESSION CONTINUED

53. Discuss legal issues related to the Time Warner Cable franchise (Private Consultation With Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 4:20 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

(HEARINGS CLOSED)

59. NP-2010-0026.01 - North Lamar Combined Neighborhood Plan - Tract 32 - Approve third reading of an ordinance amending the Austin Tomorrow Comprehensive Plan land use recommendations as they apply to the text and future land use map for the North Lamar Combined Neighborhood Plan for property known as 320 East Rundberg Lane. On July 29, 2010, City Council approved first reading of high-density single-family. Vote: 7-0. On August 19, 2010, City Council approved second reading of mixed use, commercial, and recreation and open space. Vote: 7-0. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695, Jacob Browning, 974-7657, Greg Dutton, 974-3509.
Ordinance No. 20100826-059 to change the designation on the future land use map (FLUM) to Mixed Use Commercial and Recreation and Open Space Use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
60. C14-2010-0048.01 - North Lamar Neighborhood Plan Combining District - Tract 32 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane from family residence (SF-3) district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, community commercial (GR) district zoning, and community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning to public-neighborhood plan (P-NP) combining district zoning, community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, commercial services-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. First reading approved on July 29, 2010. Vote: 7-0. Second reading approved on August 19, 2010. Vote: 7-0. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Mark Walters, 974-7695, Jacob Browning, 974-7657, Greg Dutton, 974-3509.
Ordinance No. 20100826-060 for public-neighborhood plan (P-NP) combining district zoning, community commercial-mixed use-vertical mixed use-conditional overlay-neighborhood plan (GR-MU-V-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, and commercial services-vertical mixed use-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
61. C14-2010-0044 - Western Trails Boulevard Zoning Change - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301, 2303 and 2305 Western Trails Boulevard (Williamson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning with conditions. First reading approved on July 29, 2010. Vote: 6-0 (Cole off the dais). Owner/Applicant: Kristine Alpert; Wilfred W. Kellas, Jr.; Joe M. and Janet D. Sullivan. City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20100826-061 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

62. C14-2009-0093 - 2203 & 2205 Western Trails - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2203 and 2205 Western Trails Boulevard (Williamson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning with conditions. First reading approved on July 29, 2010. Vote: 6-0 (Cole off the dais). Owner/Applicant: Karl A. Burkett; Richard H. Einck, Jr. City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20100826-062 for neighborhood office-mixed use (NO-MU) combining district zoning with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

63. C14-2010-0035 - 1800 Nueces - Approve second/third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1800 Nueces (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use-conditional overlay (DMU-CO) district zoning. First reading approved on June 24, 2010. Vote 7-0. Applicant and Agent: Coore & Crenshaw (Scott Sayers). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 23, 2010 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

(PUBLIC HEARINGS AND POSSIBLE ACTION)

69. C14-2010-0015 - The Domain Rezoning-Endeavor - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10712, 10728, 10800, 11000, 11500, 11600 Burnet Road; 11601 Domain Drive; 2900, 3001, 3101 Esperanza Crossing (Walnut Creek/Shoal Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Applicant: RREEF Domain LP Development Trust, Domain Gateway I, LP, Domain Retail I LP (Chad Marsh). Agent: Drenner & Golden Stuart Wolff, LLP (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed on consent to September 30, 2010 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Note: The September 30, 2010 meeting will be held at the George Washington Carver Museum and Cultural Center, 1161 Angelina Street, Austin, TX.

71. C14-2010-0085 - Northfork Plaza Shopping Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13945 U.S. Highway 183 North (Lake Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Applicant: Northfork Plaza Shopping Center L.P. (Keith Heil). Agent: Drenner & Golden Stuart Wolff, LLP (Michele C. Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was closed and the first reading of the ordinance for commercial-liquor sales – conditional overlay (CS-1-CO) district zoning was approved with the following prohibited uses on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The prohibited uses were: drop off recycling, adult oriented businesses, bail bond services, commercial blood plasma centers and transitional housing.

72. C14-2010-0096 - Boardwalk Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13215 Research Boulevard (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning. Applicant: Douglas L. Harbison. Agent: Holford Group (Kerby Smith). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
73. C14-2010-0097 - 11777 Jollyville Road Re-Zone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 11777 Jollyville Road (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) district zoning. Zoning and Platting Commission Recommendation: Postponed to September 7, 2010 at the neighborhood's request. Applicant: Diane Hraban. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to September 23, 2010 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
74. C814-95-0002.09 - Four Points Centre PUD Amendment #9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7301 North FM 620 Road (Bull Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: US Retail Income Fund VIII C/O BVT Management Services, Inc. (Scott I. Farber). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and the first reading of the ordinance for planned unit development (PUD) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
75. C14-2010-0034 - Stonegate Two - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2500 West William Cannon Drive (Williamson Creek Watershed) from limited office-conditional overlay (LO-CO) combining district zoning to limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, to change a condition of zoning with conditions. Owner/Applicant: KC 1 Stonegate L.P. (John P. "Sean" Cummings, Jr.). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
This item was postponed on consent to September 23, 2010 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
77. C14-2010-0084 - Amy L. Rogans - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8616 Cullen Lane (Onion

Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 7, 2010. Owner/Applicant: Austin's Used Cars (Amy L. Rogans). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent to September 23, 2010 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

78. C14-2010-0019 - Walsh Tarlton and Loop 360 Project - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2614 Walsh Tarlton Lane (Barton Creek Watershed-Barton Springs Zone) from community commercial (GR) district zoning and limited office (LO) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Planning Commission Recommendation: To grant community commercial-mixed use (GR-MU) combining district zoning. Applicant: CRVI Loop 360, LP (Timothy Clark). Agent: Armbrust & Brown, L.L.P. (David Armbrust). City Staff: Stephen Rye 974-7604. Related to Items #2, 3, and 40.

The public hearing was closed and Ordinance No. 20100826-078 for community commercial-mixed use (GR-MU) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

79. C14-2010-0122 - Cabot Chase, Ltd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2203 South Lamar Boulevard (West Bouldin Creek Watershed) from commercial services (CS) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Planning Commission Recommendation: To grant commercial-liquor sales (CS-1-CO) district zoning. Applicant: Cabot-Chase, Ltd. (Jimmy Nassour). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye 974-7604.

This item was postponed on consent to September 23, 2010 at the neighborhood's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

80. C14-2010-0078 - 601 W. 17th Street Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 601 W. 17th Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown-mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Dunham Law Firm (Paul Dunham). Agent: Lenworth Consulting (Nash Gonzales). City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 23, 2010 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

81. C14-2010-0099 - Design Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4929 FM 2222 (Bull Creek Watershed) from interim lake austin residence (I-LA) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 7th, 2010. Applicant/Agent: Joe Burke & Mark Smith. City Staff: Clark Patterson, 974-7691.

This item was postponed on consent to September 30, 2010 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. Note: The September 30, 2010 meeting will be held at the George Washington Carver Museum and Cultural Center, 1161 Angelina Street, Austin, TX.

82. C14-2010-0115 - Westend Bistro - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1315 West 6th Street (Shoal Creek Watershed) from community commercial-vertical mixed use building-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning to community commercial-vertical mixed use building-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant community commercial-vertical mixed use building-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant community commercial-vertical mixed use building-conditional overlay- neighborhood plan (GR-V-CO-NP) combining district zoning to change a condition of zoning. Applicant: AGSA Group, L.L.C. (Gretchen Alley). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691.

The public hearing was closed and Ordinance No. 20100826-082 for community commercial-vertical mixed use building-conditional overlay-neighborhood plan (GR-V-CO-NP) combining district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

ZONING DISCUSSION ITEM

68. C14-2009-0078 - Limerick - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12412 Limerick Avenue (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood commercial (LR) district zoning. Applicant and Agent: First Network Realty (Son Thai). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to September 23, 2010 at the applicant's request on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

DISCUSSION ITEM CONTINUED

Items 2 through 40 were acted on in a combined motion.

2. Approve Service Extension Request No. 2900 for water service for CRVI LOOP 360, LP, the owner of Tarlton 360 Townhomes located within the Drinking Water Protection Zone and within portions of the City's Limited Purpose jurisdiction at 2400 WALSH TARLTON LN, proposing a Mixed Use Development with an Estimated Peak Hour Flow of 480 gallons per minute (gpm). There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. Related to Items #3, 40 and 78.

The motion to approve service extension request number 2900 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

3. Approve Service Extension Request No. 2901 for wastewater service for CRVI LOOP 360, LP, the owner of Tarlton 360 Townhomes located within the Drinking Water Protection Zone and within portions of the City's Limited Purpose jurisdiction and the Robert E. Lee Road Interceptor Study Area at 2400 WALSH TARLTON LN, proposing a Mixed Use Development with an Estimated Peak Wet Weather Flow of 160 gallons per minute (gpm). There is no unanticipated fiscal impact. Recommended by the Environmental Board and the Water and Wastewater Commission. Related to Items #2, 40 and 78.

The motion to approve service extension request number 2901 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

40. Approve a resolution authorizing a Redevelopment Exception in the Barton Springs Zone under City Code Section 25-8-27, for the 16.24 acre tract located at 2500 Walsh Tarlton, associated with the Tarlton

360 Townhomes site plan, SPC-2010-0071C.MGA There is no anticipated fiscal impact. Recommended by the Environmental Board. Related to Items #2, 3, and 78.

Resolution No. 20100826-040 was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.

43. Approve a resolution directing the city manager to take action regarding Time Warner Cable's proposed migration plan of Public, Education and Government (PEG) Channels from analog to digital format. (Council Member Laura Morrison, Council Member Randi Shade and Council Member Chris Riley) Related to item #53.

Resolution No. 20100826-043 was approved with the following direction on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Mayor Leffingwell voted nay. Direction was given to the City Manager to:

- **conduct public service announcements about the change to digital PEG channel programming;**
- **meet with Time Warner representatives on ways they would be willing to support the City in educating the public on the switch to digital channel programming. The City may partner with resources, including financial resources to accomplish this;**
- **ask Time Warner to delay the process, if possible;**
- **bring back potential strategies to the Council if they appear to be feasible and reasonable.**

Items 4, 5 and 21-26 were acted on in a combined motion

4. Approve an ordinance authorizing negotiation and execution of an amended and restated cost reimbursement agreement with Club Deal 120 Whisper Valley, L.P., and Club Deal 116 Indian Hills TX, L.P., for construction of a 48 and a 24 inch water main, the design and construction of a 48 inch, or a 24 and 36 inch, water mains; for the design of a wastewater treatment plant for a total amount not to exceed \$22,500,000; waiving the requirements of City Code Sections 25-9-33, 25-9-61, 25-9-62, 25-9-63, 25-9-64, and 25-9-67. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. Related to Items #5, 21, 23, 24, 25, 26, 65 and 66.

Ordinance No. 20100826-004 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

5. Approve an ordinance amending the Fiscal Year 2009-2010 Austin Water Utility Capital Budget of Ordinance No. 20090914-003 to appropriate \$22,500,000 for Whisper Valley and Indian Hills water and wastewater improvements. Funding is available from a Reimbursement Resolution. Recommended by the Water and Wastewater Commission. Related to Items #4, 21, 23, 24, 25, 26, 65 and 66.

Ordinance No. 20100826-005 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

21. Approve an ordinance annexing the Indian Hills annexation area for limited purposes of planning and zoning (approximately 234 acres in Travis County west of SH 130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road). Limited purpose annexation does not have a significant impact on the general fund. Related to Items #4, 5, 23, 24, 25, 26, 65 and 66.

Ordinance No. 20100826-021 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

22. Approve an ordinance adopting a regulatory plan for the Indian Hills annexation area, which is being annexed for limited purposes.

Ordinance No. 20100826-022 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

23. Approve a resolution authorizing creation of a Public Improvement District (PID) for the Indian Hills Area (approximately 240 acres in Travis County west of SH 130 and east of FM 973 at the intersection of FM 973 and Decker Lake Road); and authorize negotiation and execution of an agreement relating to financing certain improvements. Related to Items #4, 5, 21, 24, 25, 26, 65 and 66.
Resolution No. 20100826-023 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
24. Approve an ordinance annexing the Whisper Valley Annexation Area for limited purposes of planning and zoning (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane). Limited purpose annexation does not have a significant impact on the general fund. Related to Items #4, 5, 21, 23, 25, 26, 65 and 66.
Ordinance No. 20100826-024 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
25. Approve an ordinance adopting a regulatory plan for the Whisper Valley annexation area, which is being annexed for limited purposes. Related to Items #4, 5, 21, 23, 24, 26, 65 and 66.
Ordinance No. 20100826-025 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.
26. Approve a resolution authorizing creation of a Public Improvement District (PID) for the Whisper Valley Area (approximately 2,066 acres in Travis County east of FM 973 and approximately 782 feet north of the intersection of FM 969 and Taylor Lane); and authorize negotiation and execution of agreements relating to financing certain improvements and relating to parkland. Related to Items #4, 5, 21, 23, 24, 25, 65 and 66.
Resolution No. 20100826-026 was approved on Council Member Cole's motion, Council Member Morrison's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

Items 65 and 66 were acted on in a combined motion

65. C14-2009-0089 - Indian Hills - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning property locally known as 5609 N FM 973 Road, 5709 N FM 973 Road, 5911 N FM 973 Road and 6513 N FM 973 Road (Elm and Decker Creek Watersheds) from unzoned, public (P) district zoning and development reserve (DR) district zoning to multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning. First Reading approved on June 10, 2010. Vote: 7-0. Owner/Applicant: Club Deal 116 Indian Hills TX, LP (Doug Gilliland). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Joi Harden, 974-2122. Related to Items #4, 5, 21, 23, 24, 25, 26 and 66.
Ordinance No. 20100826-065 for multifamily residence medium density (MF-3) district zoning and limited industrial services-conditional overlay (LI-CO) combining district zoning was approved on Council Member Cole's motion, Council Member Riley's second on a 7-0 vote.
66. C814-2009-0094 - Whisper Valley PUD - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 9605 N FM 973 Road, 9501 N FM 973 Road, Taylor Lane, Nez Perce Trace, 8312 Taylor Lane, and 9015 Taylor Lane (Colorado River and Gilleland Creek Watersheds) from unzoned to Planned Unit Development (PUD) district zoning. First Reading approved on June 10, 2010. Vote: 7-0. Owner/Applicant: Club Deal 120 Whisper Valley LP (Doug Gilliland). Agent: Metcalfe Williams, LLP (Michele Rogerson). City Staff: Jerry Rusthoven, 974-3207. Related to Items #4, 5, 21, 23, 24, 25, 26 and 65.
Ordinance No. 20100826-066 for Planned Unit Development (PUD) district zoning was approved with the following friendly amendment on Council Member Cole's motion, Council Member Riley's

second on a 7-0 vote. The friendly amendment from Council Member Riley was to remove the block lane modification from the Zoning and Platting Commission's recommendation. The amendment was accepted by the maker of the motion.

64. C14H-2009-0066 - Spires-Seekatz House - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First and second readings approved June 24, 2010. Vote: 5-2 (Cole and Spelman off-dais). Applicants: Hunter and Pamela Barrier, owners. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20100826-064 for family residence-historic landmark (SF-3-H) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 6-1 vote. Council Member Shade voted nay.

Mayor Leffingwell recessed the Council Meeting at 5:37 p.m.

LIVE MUSIC

Sarah Jarosz

PROCLAMATIONS

Proclamation -- Childhood Cancer Awareness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Thomas Molina

Proclamation -- Cultural Campus Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Timothy Dillon

Proclamation -- Texas Capitol Vietnam War Monument -- to be presented by Mayor Lee Leffingwell and to be accepted by Robert Floyd

Proclamation -- Emergency Preparedness Month -- to be presented by Mayor Pro Tem Mike Martinez and to be accepted by Candice Wade

Proclamation -- Austin Magic Week 2010 -- to be presented by Council Member Chris Riley and to be accepted by Hull Youngblood

Proclamation -- Take a Loved One for a Check-Up Day -- to be presented by Council Member Sheryl Cole and to be accepted by Sam Price

Mayor Leffingwell called the Council Meeting back to order at 6:46 p.m.

ZONING DISCUSSION ITEMS CONTINUED

67. C14H-2010-0016 - Callan-Boswell House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 408 E. 33rd Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Staff Recommendation: To deny family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood

conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Planning Commission Recommendation: To deny family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. Applicant: Historic Landmark Commission. Owners: Charles and Christine Boes. City Staff: Steve Sadowsky, 974-6454.

There was a motion made by Council Member Spelman and seconded by Council Member Cole to postpone this item so it could be sent back to the Planning Commission for their reconsideration and come back to Council.

There was a substitute motion to deny historic zoning that was made by Mayor Pro Tem Martinez and seconded by Council Member Shade. This motion failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell and Mayor Pro Tem Martinez and Council Member Shade. Those voting nay were: Council Members Cole, Morrison, Riley and Spelman.

The main motion to postpone this item so it could be sent back to the Planning Commission for their reconsideration and come back to Council was approved on Council Member Spelman's motion, Council Member Cole's second on a 4-3 vote. Those voting aye were: Council Members Cole, Morrison, Riley and Spelman. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Martinez and Council Member Shade.

PUBLIC HEARINGS AND POSSIBLE ACTION

88. Conduct a public hearing and consider an appeal by the Zilker Neighborhood Association regarding the decision to approve an Outdoor Music Venue permit for Opa's, located at 2050 South Lamar Blvd. This item was postponed to September 30, 2010 on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais. Note: The September 30, 2010 meeting will be held at the George Washington Carver Museum and Cultural Center, 1161 Angelina Street, Austin, TX.

ZONING DISCUSSION ITEMS CONTINUED

70. C14-2010-0087 - The Domain Rezoning-Simon - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11701, 11733 North Mopac Expressway; 11400, 11500 Domain Drive; 3311 Rogers Road; 3409 Esperanza Crossing; 11600 Century Oaks Terrace (Walnut Creek/Shoal Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning. Owner: RREEF Domain LP Development Trust; Domain Gateway I, LP; Domain Retail I LP (Chad Marsh). Applicant: City of Austin-Planning & Development Review Department (Sherri Sirwaitis). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was held open and the first reading of the ordinance for major industrial-planned development area (MI-PDA) combining district zoning was approved with the following conditions on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. The conditions were to require:

- the applicant to provide bicycle access for a portion of Bicycle Route Segment #905.04 to allow for continuity for bicycle traffic to and through the Domain development; and
- a public restrictive covenant that will limit one acre of land on the Endeavor-Domain site to zero percent impervious cover to be signed and recorded before the third reading of this zoning case.

Council requested information from the agent before second reading regarding their plan for bus stop accessibility and filling in the missing pieces of the sidewalk from the bus stop at Dillards at the Domain.

The representative for Endeavor agreed to include in their future zoning case on the planned development area (PDA), a reduction in impervious cover along with a public restrictive covenant.

76. C14-2010-0077 - Woodlawn 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4600 Manchaca Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning with conditions. Owner/Applicant: Woodlawn Baptist Church (Lane Northcut). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
- The public hearing was closed and Ordinance No. 20100826-076 for limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning with conditions was approved on Council Member Shade's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

87. Conduct a public hearing and approve a resolution authorizing the use of approximately 1.562 acres (68,068 square feet) permanent water line and approximately 3.236 acres (140,978 square feet) temporary working space, access and temporary staging and materials storage site uses, to construct, use, maintain, repair, and replace a water line for construction of a portion of the Montopolis Reclaimed Water Transmission Main Project through dedicated parkland known as Roy G. Guerrero Colorado River Park, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. All costs associated with construction, as well as any parkland restoration will be paid by requester. Recommended by Parks and Recreation Board.
- The public hearing was closed and Resolution No. 20100826-087 was approved on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0 vote. Council Member Cole was off the dais.
85. Conduct a public hearing to receive public comment on the proposed fee changes and addition of a transmission service adjustment rider to the electric rate schedule of Austin Energy as part of the Fiscal Year 2010-2011 Proposed Budget. No fiscal impact.
- The public hearing was closed on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais.
90. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by Mr. Alan Rhames of Axiom Engineers on behalf of the owner, M. Station Housing L.P., to develop a childcare services building and associated parking that encroach on the 25-year and 100-year floodplains of Boggy Creek at the address of 2918 East Martin Luther King Junior Boulevard. There is no unanticipated fiscal impact.
- The public hearing was closed and Ordinance No. 20100826-090 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Cole was off the dais.
84. Conduct a Public Hearing to receive public comment on the proposed rate and fee changes for the Solid Waste Services Department as part of the Fiscal Year 2010-2011 Proposed Budget.
- The public hearing was closed on Mayor Pro Tem Martinez' motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Cole was off the dais.

89. Conduct a public hearing and consider approval of the Imagine Austin Comprehensive Plan Vision Statement and the inclusion of additional elements to be incorporated into the plan. Recommended by Planning Commission.

The public hearing was closed and the motion to approve the Imagine Austin Comprehensive Plan Vision Statement and the inclusion of additional elements to be incorporated into the plan was approved with the following amendments and friendly amendment on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Cole was off the dais. The friendly amendment from Mayor Pro Tem Martinez was to insert the words "reducing sprawl" after "...lifestyles,..." under the heading "Austin is Livable", in the first bullet. The amendment was accepted by the maker of the motion and by Council Member Spelman, who made the second.

The amendments were:

- Replace the fifth bullet point under the "Austin is Livable" section with "Clear guidelines support both quality development and preservation that sustain and improve Austin's character and provide certainty for residents and the business community."
- Remove the third bullet point under the "Austin Values and Respects its People" section.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Morrison's motion, Council Member Shade's second on a 5-0 vote. Council Members Cole and Spelman were off the dais.

83. Conduct a public hearing to receive public comment on the City of Austin Fiscal Year 2010-2011 Proposed Budget.

The public comment portion of the public hearing was closed on Council Member Morrison's motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

86. Conduct a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2010-2011 Proposed Budget There is no fiscal impact.

The public hearing was closed on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

Mayor Leffingwell adjourned the meeting at 12:47 a.m. without objection.

The minutes for the regular meeting of August 26, 2010 were approved on this the 23rd day of September 2010 on Council Member Spelman's motion, Cole's second on a 7-0 vote.